The MARTIAL HORSE.

OR

Power of a COURT-MARTIAL.

Being the

GENERAL CHARGE

OF

ROBERT KINDERSLIE Gent.

Against

STEVENS, and others.

1651.

BY

THO. ELSLYOT,
Armig. Arm. Conq.

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1652.

1650

THE MARTIAL HORSE.

MAY 28, 1919

To the honourable Judge-Advocate and Court-Martial, now sitting at *White-hall.*

THE true, just, and humble Remonstrance, Charge, and Petition of *Robert Kinderfly* Gent. and Trooper in Captain *Elsmores* Troop, in Colonel *Rich's* Regiment; on his own behalf, and on the behalf of divers of his fellow-souldiers in the said Troop, in pursuit of his Petition presented unto this honorable Court upon *Munday* the 22 of this instant *Decemb.* 1651. against *William Stevens*, now or late a Constable, and his wife; *John Wilton*, Gardiner; *Richard Sanders*, Instrument-maker; *Maurice Ford*, Victualler; *Richard Lowther* Gent. and *William Caldwel* an Informer, and *Thomas Brown* Labourer; all living in or about *Spittlefields* in the Parish of *Stepnie-heath* in the County of *Middlesex*, inhabitants or members, within, or of, this present Commonwealth, but malignantly affected to the present Government thereof, as may appear by the sequele.

And first, your Petitioner remonstrateth unto this honorable Court, That whereas the honorable Parliament of *England*, being the supreme Judicatory of this Nation, hath been heretofore necessitated, for their defence, and all Powers set up by them; as namely, for the defence of the Council of State, and High Court of Justice, daily threatned by the late Tyrant and his son, and their evil counsellors, and several other traitors and evil affected persons, such as be Papists, Malignants, Delinquents, and other enemies and opposers of the honorable proceedings

of Parliament, and the Powers aforesaid, for the preservation of *the Keepers of the Liberties of England by authority of Parliament*, To raise an Army sometimes under the command of their Excellencies the Earl of *Essex* and the Lord *Fairfax*, but now under the command of *Oliver Cromwel* Esq; Captain General of all the English Force, and Lord Governour of *Ireland*; and the General Officers of the Army being men of approved wisdom, fidelity, and courage, for their regulating, disciplinating, and commanding of the Souldiery thereof, in their several orders and stations, to the great honour of Almighty God, glory of the Parliament, and State of this Nation, and the good of the present Commonwealth.

And your Petitioner further remonstrateth unto this honorable Court, That whereas not onely all Heathenish but Christian Armies in this present world, have been in all ages, and at this present time be disciplinated, conducted, and commanded (as exigencies of affairs from time to time be incident, unto their motions and stations either in Field or Garison) and have been, and now are, ordered and governed by Military and Civil Law and Government, not by any Legal, National, or Common Law whatsoever: by means whereof, it hath of late pleased divine providence always to go along with them, and own them, and the Parliament of *England*'s just Cause, against all their opposers, maugre all their enemies.

And your Petitioner further remonstrateth, That whereas the honorable Parliament of *England*, about the 12 of *August* last past, getting notice of the last Invasion of the Scotish Army, assisted with certain English Fugitives, taking for their Head that Traytor *Charles Stewart* the younger, were pleased to publish and declare an Act of Parliament to the people of this Nation, to admonish them to be cautious in adhering unto him and his party,

or

or to be any ways deluded by them, under the penalty of High Treason; and for three months time gave power to any Court Martial lawfully authorized by this present Army under the now-General's Command, to take cognizance thereof, and to proceed with the said persons so offending against the said Act to sentence, by the Rules of a Court Martial (which be Military and Civil, as aforesaid) at any time within three months, as by the said Act, hereunto annexed, may appear.

And your Petitioner lastly Remonstrateth unto this Honorable Court, that Col. *Rich*, a Colonell, and a worthy Member of the Parliament, and of this present Army, having about the beginning of *October* last, received certain Intelligence from the Souldiery and divers others, well affected Persons unto the Parliament, Army and State, That the said *Stevens* and his wife, *Wilton Sanders*, *Ford*, *Caldwel*, *Brown*, and others, had spoken and most maliciously uttered certain Malignant, dangerous, and pernicious words, against the Parliament, Councel of State, and Army, in saying that they were a company of Rogues; And that they the said Malefactors would not submit to their Government by them Established in this present Commonwealth, unless it were under the Traitor *Charls Stewart* the younger, the King of *Scots*, whom they called King *Charls* the Second, or words to that effect: whereupon, the said Colonel *Rich*, like a wise Senator of the Parliament of *England*, and Member of this present Army, did give Order unto your Petitioner and his fellow Soldiers, he being their Superior in order to Military Discipline, forthwith to seise and apprehend the aforenamed evil affected persons, if they could be found, and to bring them before him, to be proceeded with according to Justice, and to disarm them, and to seise their Arms for the use and benefit of the

the Parliament, State and Commonwealth, as it was juſt and Lawfull for him to do; and your Petitioner and his fellow Souldiers in obedience unto their Colonels Lawfull Command being their Superior, did forthwith repair unto the ſaid evil affected perſons houſes, to make dilligent ſearch for their perſons, and where your Petitioner and his fellow Souldiers were oppoſed, they broke open their dores and houſes in purſuit of their Lawful Command, and not finding of their perſons, did ſecure ſuch Arms as they found in their houſes, for the uſe and benefit of the Parliament, State and Commonwealth, as they hope it was Lawfull for them to do, under the favor of this Honorable Court; but the ſaid evil affected perſons with the advice of the ſaid *Lowther*, altogether machinating and deſpiſing the Authority of Military Diſcipline, and of this Honorable Court, did lurk and play at bo-peep from and with your Petitioner and his fellow Soldiers, untill the 3 Months limited in the ſaid Act by Martial Diſcipline were elapſed; and then to colour their Malefactions and to bring diſhonor and an *odium* upon your Petitioner and his fellow Soldiers, being Members of this preſent Army, and ſo conſequently upon the whole Army and the Military Diſcipline thereof; they the ſaid evil affected perſons did lately privily repair unto the Seſſions Houſe at *Hixes* Hall, held before the Juſtices of Peace in the County of *Middleſex*, this laſt preſent Seſſions, and did there maliciouſly prefer an Indictment of *Burglary* and *Felony* againſt your Petitioner and his fellow Souldiers for the Premiſes to the Grand Inqueſt, Sworn for the Preſentments and Indictments for the County againſt Malefactors and evil doers; and upon their falſe Teſtimony given to the ſaid Grand Inqueſt, the ſaid evil affected perſons procured the ſaid Bill of Indictment of *Burglary* and *Felony*, ſo preſented by them

againſt

againſt your Petitioner and his fellow Souldiers, to be found *bilia vera*; and not therewith content, the ſaid evil affected perſons cauſed the ſaid Bill ſo found, to be tranſmitted from *Hixes* Hall, unto the Seſſions Houſe in the *Old Bailey*, and thereupon procured a Warrant from the Recorder and Bench, and another from the ſaid *Lowther*, directed to all Conſtables, Head-Burrows, and other Officers of the Common Law of this Land, for the preſent apprehending of your Petitioner and his fellow Soldiers, in all Quarters of *London*, *Middleſex*, or *Weſtminſter*, And by colour thereof have not only broken open your Petitioner *Kinderſlies* houſe in the Pariſh of St *Giles*'s *Cripplegate*, to the great aſtoniſhment and affrightment of his Wife and Family; but have alſo at ſundry times ſince attempted to ſeiſe upon your Petitioner and his fellow Soldiers perſons by colour of the ſaid Warrant, when they have been upon the Guard of the Honorable Parliament of *England* at *Weſtminſter*, the Councel of State at *White Hall*, in their Horſe-quarters at the *Muſe*, and in paſſing through the ſtreets of *London*, the Armies Garriſon, to the great diſhonor of the Parliament, Councel of State and Army, and of this Honorable Court, and of all Military Diſcipline, and to the terror, diſcouragement, and amazement of divers of the Soldiery of the Army, who have ſeriouſly proteſted, That rather then they will ſee the Army ſo affronted, and the Soldiery thereof ſo abuſed, they will lay down their Arms, and bear no more for the defence of the Parliament, Councel of State and Commonwealth of *England*, ſince they cannot obey the Lawfull Command of their Superiors, but to be reputed *Burglars*, *Felons* and *theeves* of this preſent Commonwealth, for the advancement whereof they have adventured their Lives, Bloods and fortunes. And of the truth of this Charge, your Petitioner as well on his own behalf

half, as on the behalf of his fellow Soldiers, doth hereby offer to hazard his life to make good by due proceſs, the verity thereof.

And therefore he humbly prayeth, as in his Petition upon Monday laſt he did pray (that is to ſay) that your Petitioners Cauſe may be duely examined according to Law Military and Civil in this Honorable Court, and that the ſaid evil affected perſons may be forthwith ſent for, and ſecured (and that the truth of this appearing) upon due proof, that they may be made exemplary to future Ages, for the Honor of this preſent Army and Soldiery thereof, by the Juſtice of this Honorable Court, and that in the mean time, that their malicious proceedings upon their Indictment at the Common Law againſt your Petitioner and his fellow Soldiers, may be ſtaid; and your Petitioner will ever pray for the Juſtice of this Honorable Court, and remain a faithfull Soldier to the Noble General and Army of the Commonwealth of England, *whilſt he lives to be*

Robert Kinderſlie.

This is a true Copie of the Originall Charge deliuered upon *Saturday* night, the 27th of this inſtant *December* 1651. to the Honorable Judge Advocate, and was read upon *Wedneſday* at a Court Martial at *White Hall* the laſt of *December* laſt, and doth remain upon Record to future Ages, and to expreſs to the *Engliſh* Nation, the Authority of Military Diſciplince, juſtly and anciently belonging to Armies, *By* Tho. Elſlyot *Ar. Ar. Conq.*

De Vita *Thomæ Elſtyott*, Ar. Ar. Conq;.

Armiger Armorum, brumali vixit in ævo;
Proq; Cibo eſt, ravò, nectare, aqua, inque fumo,
Eſt Lac concretum miſtum cum ſanguine Cervi, &
Mel Condenſum actum, (Vere) labore Apium
Viperis quoq; (per ſe) Captis carnibus, almet
Corpus, viq; Dei, Odonta Lupoſq; rapit:
(Hic eſt)
Armiger Armorum Conqueſtor Cauſidicorum.

FINIS.